

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JAMIL GERONIMO,

Plaintiff,

v.

WASHOE COUNTY JAIL, *et al.*,

Defendants.

Case No. 3:19-cv-00586-MMD-WGC

ORDER

This action began with a *pro se* civil rights complaint filed under 42 U.S.C. § 1983 by a former county inmate. On July 21, 2020, this Court issued an order directing Plaintiff to file his updated address with this Court on or before August 21, 2020. (ECF No. 5.) The deadline has now expired, and Plaintiff has not filed his updated address or otherwise responded to the Court's order.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (affirming dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (affirming dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (affirming dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (affirming dismissal for lack of prosecution and failure to comply with local rules).

1 In determining whether to dismiss an action for lack of prosecution, failure to obey  
2 a court order, or failure to comply with local rules, the court must consider several factors:  
3 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
4 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
5 disposition of cases on their merits; and (5) the availability of less drastic alternatives. See  
6 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130;  
7 *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

8 Here, the Court finds that the first two factors, the public's interest in expeditiously  
9 resolving this litigation and the Court's interest in managing the docket, weigh in favor of  
10 dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of  
11 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay  
12 in filing a pleading ordered by the court or prosecuting an action. See *Anderson v. Air*  
13 *West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—public policy favoring  
14 disposition of cases on their merits—is greatly outweighed by the factors in favor of  
15 dismissal discussed herein. Finally, a court's warning to a party that his failure to obey the  
16 court's order will result in dismissal satisfies the "consideration of alternatives"  
17 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d  
18 at 1424. The Court's order requiring Plaintiff to file his updated address with the Court on  
19 or before August 21, 2020, expressly stated: "IT IS FURTHER ORDERED that, if Plaintiff  
20 fails to timely comply with this order, the Court shall dismiss this case without prejudice."  
21 (ECF No. 5.) Thus, Plaintiff had adequate warning that dismissal would result from his  
22 noncompliance with the Court's order to file his updated address on or before August 21,  
23 2020.

24 It is therefore ordered that this action is dismissed without prejudice based on  
25 Plaintiff's failure to file an updated address in compliance with this Court's July 21, 2020,  
26 order.

27 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1)  
28 and the motion for appointment of counsel (ECF No. 4) are denied without prejudice.

1 It is further ordered that the Clerk of Court close the case and enter judgment  
2 accordingly.

3  
4 DATED THIS 26<sup>th</sup> day of August 2020.

5  
6   
7 \_\_\_\_\_  
8 MIRANDA M. DU  
9 CHIEF UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28